

## **Chapter 154**

### **VEHICLES, STORAGE OF**

**[HISTORY: Adopted by the Mayor and Council of the City of Seat Pleasant 06-09-1986 by Ord. No. 86-01. Amendments noted where applicable.]**

#### **GENERAL REFERENCES**

Health and sanitation — See Ch. 101.

Streets and sidewalks — See Ch. 137.

Vehicles and traffic — See Ch. 150.

#### **§ 154-1. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

PERSON — Any real person, partnership, corporation, firm or entity.

VEHICLE — Any motor vehicle, as defined in § 11-135 of the Transportation Article of the Annotated Code of Maryland, including but not limited to any automobile, truck, van, recreational vehicle (RV), motorcycle, tractor or other motorized farm implement, and any other device in, on or by which any individual or property is or might be transported or towed on a highway, including but not limited to flatbed trailers, semitrailers, boat trailers and campers.

#### **§ 154-2. Storage of vehicles.**

A. Storage and parking. [Amended 6-10-2002 by Ord. No. 02-01]

- (1) It shall be unlawful for any person owning, possessing or having control over any area or property to store, park, leave or cause or permit the storage, parking or leaving on such area or property of:
  - (a) Any vehicle which is wrecked, dismantled or partly dismantled, disabled or inoperative under its own power, abandoned, not currently licensed or bearing unexpired license tags that have not been issued to that vehicle, or in disrepair, and which is visible for more than 48 hours from the street, sidewalk or other public right-of-way or from any other person's property, whether or not the area or property in which the vehicle(s) is located is owned, leased or used with or without the consent of the owner or tenant.
  - (b) Any vehicle left unattended on a jack, jack stand, vehicle ramp, cinder blocks, or any other vehicle lift.
  - (c) More vehicles, regardless of their condition, registration or inspection status, than there are parking spaces allowed for under applicable zoning laws.

- (d) Any vehicle anywhere on the property except the garage, carport, driveway, driveway apron, or other paved or improved surface located in the front or side yard of the area or property; provided, however, that nothing contained herein shall be interpreted as allowing or authorizing the blocking or impeding of any entrance, exit, sidewalk, right-of-way, lane or driveway or the elimination of green space in excess of that permitted by applicable zoning laws and regulations.
  - (e) Except in enclosed sheds, garages or other enclosed structures, any automotive or truck parts, components or tires.
- (2) This section shall not apply to any person who has a current valid use and occupancy permit and other required licenses and permits to operate a business on property zoned or specially excepted for a use involving the storage or repair of automobiles.
- (3) Even if the owner of an area or property where a vehicle is parked, stored or left in violation of § 154-2A(1)(a) through (e) is not in possession or control of that area or property, such owner is deemed to have permitted the violation if the violation is not cured within 10 days after the owner receives notice of the violation or if another violation occurs after the owner receives notice of the initial violation.
- B. It shall be unlawful for any person owning or having possession of or control over real property to maintain or permit to be maintained within said town a junkyard, public dump or lot on which refuse, trash, junk or abandoned or unused industrial or commercial equipment is deposited, left or stored or motor vehicles are dismantled or parked, left or stored within 500 feet of the residence of another.
- C. It shall be unlawful for any person, firm or corporation to throw, dump or deposit any trash, junk or other refuse upon the same or to dismantle any motor vehicle thereon unless the maintenance of a junkyard or dump is permitted by the zoning laws and ordinances of Prince George's County and the person owning or having possession or control of such property is properly licensed to conduct such business thereon. A license shall be obtained from the Mayor and Council who shall grant or deny such license, taking into consideration the health, comforts, fire hazards and welfare of the people in the immediate vicinity thereof and the impact of such business in terms of noise, litter and traffic on other businesses and residences in the vicinity.
- D. Any storage of vehicles or vehicle parts which constitutes a fire hazard or poses an immediate threat to the public health, safety and welfare shall be considered unlawful.

**§ 154-3. Violations and penalties.** [Amended 2-14-1994 by Ord. No. 94-01; 6-10-2002 by Ord. No. 02-01]

- A. Any violation of this chapter shall be a municipal infraction with a set fine of \$1,000. Each vehicle or other item disposed of, left, stored or parked in violation of

this chapter shall constitute a separate violation. Each day that a vehicle or other item is disposed of, left stored or parked in violation of this chapter shall constitute a separate violation. Each day that a vehicle or other item is disposed of, left stored or parked shall constitute a separate violation, except that a subsequent violation shall not be deemed to have occurred until and unless the time provided for the correction of the first violation in Subsection B below shall have expired.

- B. No person shall be issued a municipal infraction citation for a first violation of this chapter without being given a warning notice and not less than 72 hours to cure the violation and to come into compliance with this chapter. If within 72 hours of receiving a warning notice a person cures the violation and comes into compliance, no municipal infraction citation shall be issued. If a person does not do so within said 72 hours, even if he or she shall cure the violation and come into compliance, a violation shall be deemed to have occurred and a municipal infraction citation shall be issued.
- C. Without limitation upon or election against any other available remedy, including the right to seek and obtain abatement of a municipal infraction pursuant to Maryland Annotated Code, Article 23A, Section 3(b), the City or any other aggrieved party, including but not limited to any adjoining property owner, may apply to a court of competent jurisdiction for an injunction enjoining any violation of this chapter. An injunction shall be issued prohibiting any continued violation of this chapter and authorizing the City, at the violator's expense, to abate any violations upon a showing that after notice from the City to remove vehicles or other items from the subject property such vehicles or items were not removed. The court shall award attorney's fees and costs to any party who succeeds in obtaining an injunction hereunder.
- D. When a violation of this chapter presents an immediate threat to the life, health or safety of any person, the City may enter a property and abate the violation, with or without judicial approval, and charge the cost of doing so to the violator.
- E. Any charges and expenses assessed against a violator who is the owner of a property on which a violation is found and abated shall be a lien against the property.
- F. Any notice issued for a violation of this chapter shall be served on an alleged violator by one or more of the following:
  - (1) Personally leaving a copy of such notice with the alleged violator.
  - (2) Mailing a copy of the notice by certified mail, return receipt requested, to the violator's last known address.
  - (3) Physically posting the notice on the property on which a violation is alleged to have occurred.
  - (4) For violations of this chapter, posting the vehicle alleged to be in violation.
- G. A municipal infraction citation for a violation of this chapter shall be served in the manner required by Maryland Annotated Code, Article 23A, Section 3(b).

- H. A municipal infraction citation for a violation of this chapter may be issued and served by a sworn officer or a code enforcement officer of the Seat Pleasant Police Department.